



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Zahir Ahmad

FEB 27 2009

Potomac, Maryland 20854

RE: MUR 6143
Zahir Ahmad

Dear Mr. Ahmad:

On December 2, 2008, the Federal Election Commission ("the Commission") found that there is reason to believe you knowingly and willfully violated 2 U.S.C. § 441f, a provision of the Federal Election Campaign Act of 1971, as amended ("the Act"). This finding was based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2). The Factual and Legal Analysis, which more fully explains the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

Please note that you have a legal obligation to preserve all documents, records and materials relating to this matter until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Elena Paoli, the attorney assigned to this matter, at (202) 694-1548.

On behalf of the Commission,


Steven T. Walther
Chairman

Enclosures

Factual and Legal Analysis

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Zahir Ahmad

MUR: 6143

This matter was generated based on information ascertained by the Federal Election Commission ("the Commission") in the normal course of carrying out its supervisory responsibilities. See 2 U.S.C. § 437g(a)(2).

Galen Capital Group, a privately held merchant banking firm in McLean, Virginia, and William P. Danielczyk, Galen's chairman and CEO, co-hosted a fundraiser for Hillary Clinton's Senate campaign in September 2006 ("Senate Fundraiser") and another fundraiser for Clinton's Presidential campaign in March 2007 ("Presidential Fundraiser"). Zahir Ahmad co-hosted the fundraisers and is an investor in Galen.

The Senate Fundraiser was held on September 12, 2006, at the Ritz-Carlton in Tyson's Corner, Virginia. Ahmad made a \$4,000 contribution to Hillary Clinton's Senate committee on September 12, 2006, and received reimbursement in the form of a corporate check from Galen dated September 11, 2006, for \$4,198.87. Based on the available information, it is likely that Ahmad signed a donor authorization card stating that he was using his personal funds to make the contribution and was not being reimbursed for it.

The Federal Election Campaign Act, as amended, provides that no person shall make a contribution in the name of another person or knowingly permit their name to be used to effect such a contribution. 2 U.S.C. § 441f.

1 To establish a knowing and willful violation, there must be knowledge that one is
2 violating the law. *See FEC v. John A. Dramesi for Congress Comm.*, 640 F. Supp. 985, 987
3 (D.N.J. 1986). A knowing and willful violation may be established "by proof that the defendant
4 acted deliberately and with knowledge that the representation was false." *U.S. v. Hopkins*, 916
5 F.2d 207, 214 (5th Cir. 1990). An inference of a knowing and willful act may be drawn "from
6 the defendant's elaborate scheme for disguising" his or her actions. *Id.* at 214-15.

7 Ahmad was reimbursed by Galen for the political contribution he made at the fundraiser
8 he co-hosted with Danielczyk even though he apparently signed a donor authorization card
9 stating that he would not be reimbursed. Thus, it appears that Ahmad knowingly and willfully
10 permitted his name to be used to make a contribution for the corporation. Therefore, there is
11 reason to believe that Zahir Ahmad knowingly and willfully violated 2 U.S.C. § 441f.